

GENERAL PROVISIONS AFFECTING COMMERCIAL FISHING

- All fish, the taking of which is not otherwise restricted for commercial purposes, by state or federal law or any regulations adopted pursuant to those laws, may be taken at any time for commercial purposes (FGC §8140).
- Nets or traps used in violation of law are subject to seizure and forfeiture but may be retained under bond until disposition by the court (FGC §8630-8633, 12157).
- Only those nets, traps, lines, spears, or appliances specifically authorized for by law may be used to take fish (FGC §8603).
- Commercial fishermen leaving from or landing in any port in California are subject to commercial fishing laws and regulations even if the fishing activity occurs beyond three miles from shore. California laws and regulations also apply to (1) licensed California fishermen fishing within 200 miles of the California coast even if the trip began or ended outside of California, and (2) all fishermen fishing within three miles of the California coast.
- Any person who takes fish or assists in the taking of fish for commercial purposes must have a valid commercial fishing license issued to that person that has not been suspended or revoked (FGC §7850).
- Any vessel used to take fish for commercial purposes must be registered with the Department (FGC §7881).
- Owners and operators of commercial fishing vessels permitted under regulations of the Commission, and Commercial Passenger Fishing vessels licensed pursuant to FGC §7920 shall cooperate with state and federal fishery observers as specified in §105.5, Title 14, of the CCR. (See page 24)

Some regulations refer to the southern boundary of the state as "a westerly extension of the boundary line between the Republic of Mexico and the United States". Per state and federal regulations, this boundary line is the same boundary line as the United States Exclusive Economic Zone (EEZ), as defined by Section 1802 of Title 16 of the United States Code. This line can be seen on official NOAA nautical charts and is the boundary which divides U.S. / state waters and Mexican waters. North of this boundary line, all state laws and regulations and federal regulations apply. Persons fishing illegally outside the EEZ and bringing the illegal catch back to California are in violation of both state and federal law.

COMMERCIAL LICENSES

The Department issues licenses for all commercial fishermen, fishing vessels, passenger fishing boats, and fish businesses in California. Limited entry commercial fishing permits are also issued to pre-qualified fishermen to take certain species of fish, or use certain gear types, for commercial purposes. Non-restrictive commercial fishing permits are available to all licensed commercial fishermen. Permits or licenses are issued and renewed at all

Department offices listed on the inside cover unless otherwise noted.

Applications

Renewal applications are mailed to commercial fishermen and commercial fishing vessel owners licensed with the Department during the previous license year. Applications are available from all Department offices listed on the inside front cover. Please read the instructions before submitting applications and fees. Applicants are required to complete all information requested unless specified as voluntary. Incomplete applications will be returned and could delay the issuance of a license or permit.

Under FGC and Title 14, the Department is authorized to collect information from applicants to maintain a record of licensure. All information requested on applications is mandatory unless otherwise indicated and is confidential pursuant to FGC §8022. This information may be released to any federal agency responsible for fishery management activities, provided the information is used solely for the purposes of enforcing fishery management provisions and provided the information will otherwise remain confidential. The department may also release this information in accordance with Section 391 or pursuant to a court order, to a public or private postsecondary institution engaged in research under the terms of a legally binding confidentiality agreement, or under other conditions as the Commission by regulation may provide.

All forms, logs, books, covers, documents, electronic data, software, and other records of any kind issued or otherwise supplied, directly or indirectly, by the department, the purpose of which is to provide a means for reports, records, or other information to be filed with the department. Inclusive, continue to be the property of the department. Those forms, logs, books, covers, documents, electronic data, software, other records, or portions thereof remain the property of the department whether used, unused, attached, or detached from their original binding, packaging, or other medium and shall be immediately surrendered upon demand to a peace officer of the department acting in his or her official capacity, without being altered in any manner.

An applicant may obtain a copy of his/her license records maintained by the Department by contacting the custodian of records at the Department of Fish and Game, License and Revenue Branch, 1740 N. Market Blvd., Sacramento, CA 95834, (916) 928-5822, or e-mail LRB@dfg.ca.gov. All requests for copies of license records must be submitted in writing and include the requester's name, address and telephone number.

Address Changes

Applications to renew commercial fishing licenses, permits, and commercial fishing vessel registrations are mailed to the address the licensee provides on his/her commercial fishing license and/or commercial boat registration. FGC §7857(m) requires licensees to notify the Department of their old and new address within three months of when they move or acquire a new address. Please include your commercial fishing license ID number and your Fish and Game boat number. Mail your address change to the Department of Fish and Game, License and Revenue Branch, 1740 North Market

Blvd., Sacramento, CA 95834, or Fax (916) 419-7586. Email: LRB@dfg.ca.gov.

Payment Policy

Personal checks will be accepted by the Department if name and address are imprinted on the check. Checks returned to the Department due to insufficient funds will render your license or permit invalid. The Department may also deny the issuance or renewal of any commercial license or permit if a person has failed to reimburse the Department for the amount due plus an additional processing fee of \$30. Any commercial activity performed without a valid license or permit is a violation of the FGC and therefore subject to enforcement action.

Credit Cards - Licenses, permits, tags, stamps, or registrations may be purchased with a Visa or MasterCard.

Refund Policy

Refunds will not be issued for commercial fishing licenses, boat registrations, stamps or permits. Licenses, registrations, stamps or permits are considered valid from April 1 through March 31 of the year following, or, if issued after the beginning of that term, for the remainder thereof.

Duplicate Licenses or Permits

To replace a lost or destroyed license or permit the licensee must:

- Submit a signed affidavit stating that the license or permit has been lost or destroyed; and
- Pay an \$8.25 fee per document. Affidavits may be obtained and filed at any Department office listed on the inside front cover.

License records will be verified by the Department's License and Revenue Branch in Sacramento or the office where the license or permit was issued as having been issued the original license or permit. Requests for replacement licenses received by mail will be issued within approximately 15 days of receipt by the Department. If no record of the license or permit is found at a Department office, then the applicant must complete an affidavit and pay the full license fee.

Suspension or Revocation of Commercial Fishing Privileges

If you fish under a special permit (including but not limited to sea urchin, lobster, tidal invertebrate, net, etc.) and you are convicted of, or plead guilty or *nolo contendere* to a violation of FGC or Title 14, pertaining to a permit, the Department will seek suspension or revocation of your permit through the Commission. Under certain conditions, commercial fishing privileges may also be permanently revoked.

Any person who has had a commercial fishing license or permit suspended or revoked shall not engage in that fishery or obtain any other commercial fishing license or permit to engage in that fishery while the revocation or suspension is in effect (FGC §7857(i)).

COMMERCIAL FISHING LICENSE REQUIREMENTS

Unless otherwise noted, commercial fishing licenses, registrations, stamps, or permits are valid from April 1 through March 31, or, if issued after the beginning of that term, for the remainder thereof.

Resident Commercial Fishing License

Any resident 16 years of age or older who uses or operates or assists in using or operating any boat, aircraft, net, trap, line, or other appliance to take fish for commercial purposes, or who contributes materially to the activities on board a commercial fishing vessel is required to have a commercial fishing license.

Non-resident Commercial Fishing License

Any non-resident 16 years of age or older who uses or operates or assists in using or operating any boat, aircraft, net, trap, line or other appliance to take fish for commercial purposes or who causes fish to be brought ashore to be sold in a fresh state or who contributes materially to the activities aboard a commercial fishing vessel is required to have a personal commercial fishing license.

Exemptions:

Any person who is employed by a fish receiver to unload fish or fish products, or to load or unload food and supplies, on or from a commercial fishing boat at a dock; and any person working aboard a licensed commercial passenger fishing boat is not required to have a commercial fishing license.

Non-fisherman on Board a Vessel

Every person on board a vessel on which fish are being taken for commercial purposes is required to have a commercial fishing license, except a person who does not contribute to the activities on board or cause any fish to be brought ashore to sell and his/her presence is registered in the vessel log. Any person engaged in any commercial fishing activity must:

- Possess a valid commercial fishing license (FGC §7850);
- Sign his/her commercial fishing license before use (FGC §7857(h));
- Have in his/her possession, or immediately available, his/her valid driver's license or identification card issued by the Department of Motor Vehicles or the entity issuing driver's licenses from his/her state of residence (FGC §7852.27);
- Show his/her commercial fishing license on demand of any officer (FGC §2012); and
- The person to whom the licensee or permit has been issued shall be present when fish are being taken, possessed aboard a commercial fishing boat or landed for commercial fishing purposes. Commercial fishing vessel permit holders or licensees are exempt from this provision (FGC §7857).

Accurate Fish Landing Receipt Information

Recording accurate information on fish landing receipts is required by law, and may directly benefit

fishermen. Fish receivers now use fish landing receipts formatted to facilitate electronic scanning, with more accurate gear codes, market categories, and space for fish catch location. The use of fish landing receipts for documenting fishing activity is becoming more common. Fish landing receipts have been used to qualify vessels and licensees in newly established restricted access and limited entry fisheries. It is in your best interest to assure that the information recorded by the fish receiver on your landing receipts is accurate. Please review the fish landing receipt before you sign because it is considered a legal document.

Fishing vessel landing receipt information can only be released to the owner of the vessel at the time the landings were made. Written requests for copies of fish landing receipt records must be submitted by the vessel owner to the Department's Marine Fisheries Statistical Unit, 4665 Lampson Avenue, Suite C, Los Alamitos, CA 90720. For additional information call (562) 342-7126.

Fishing Activity Records (Logbooks)

The holder of specified commercial fishing permits and/or licenses is required to keep and submit a complete and accurate record of fishing activities on forms provided by the Department. Failure to comply with the record keeping requirements may result in revocation, suspension, or non-renewal of the license or permit for the fishery or species of fish for which the records are required, for a period of up to one year (FGC §8026. Title 14, §190, 195).

Currently, logbooks are required in the sea urchin, sea cucumber, lobster, gill net, trawl, longline, live bait, shrimp, prawn, market squid, swordfish, harpoon, and trap fisheries. Owners or operators of commercial passenger fishing vessels are also required to complete logbooks.

FISH TRANSPORTATION RECEIPTS

Commercial fishermen who are NOT licensed as a Fish Receiver may transport or cause their fish to be transported to a licensed Fish Receiver under the authority of a fish transportation receipt. The accurate weight of each species must be listed on the transportation receipt. Fish transportation receipt books are available from all Department offices listed on the inside front cover.

Exception: Persons licensed as Fish Receivers are not authorized to use fish transportation receipts.

ADDITIONAL LICENSE STAMP REQUIREMENTS FOR COMMERCIAL FISHERMEN

Ocean Enhancement Stamp

Any commercial fisherman, who takes, possesses aboard a commercial fishing vessel, or lands any white seabass south of Point Arguello is required to obtain an ocean enhancement stamp.

Determining the Commercial Fishing Salmon Stamp Fee

The fee for commercial fishing salmon stamps is formulated by law (FGC §7860), based on the total pounds of salmon taken commercially during the previous salmon season, but may not exceed \$260. The stamp fees are used to pay for new or expanded salmon enhancement and restoration programs, and to raise Chinook salmon to be released into state waters.

Commercial Fishing Salmon Stamp

A commercial fishing salmon stamp must be purchased and affixed to the California commercial fishing license of any person 18 years of age or older who:

- Renews a salmon vessel permit;
- Takes salmon for commercial purposes; or
- Is on board a vessel on which salmon are being taken or transported for commercial purposes.

Exemptions:

Persons who will be 70 years of age or older as of April 1, 2008, crewmembers fishing under the authority of a "John Doe" Commercial Fishing Salmon Stamp or nonworking persons on board a vessel who are registered in the vessel's log are not required to have a commercial fishing salmon stamp.

Senior Salmon Fishermen

Any commercial fisherman who will be 70 years of age or older as of April 1, 2008, is not required to have a commercial fishing salmon stamp in order to take salmon. In addition, any salmon vessel owner who will be 70 years of age or older as of April 1, 2008 is not required to purchase a commercial fishing salmon stamp in order to renew a salmon vessel permit and is not required to purchase a personal commercial fishing license as long as they do not intend to fish commercially during the 2008-2009 license year. Proof of age (copy of driver's license, Department of Motor Vehicles (DMV) ID, birth certificate, etc.) must be submitted with the application and fees.

PROOF OF VESSEL OWNERSHIP

If you are registering a commercial fishing vessel with the Department, you must provide a copy of the vessel's California DMV undocumented vessel, certificate number, USCG certificate of documentation, or out of state vessel registration from the DMV or other appropriate licensing Department with your commercial boat registration application (FGC §7601).

The Department cannot issue a commercial boat registration without proof of a valid CF number issued by the DMV or document number assigned by the USCG. No other permit, stamp or license can be issued for that vessel without a valid Department commercial boat registration.

Owners of vessels of five net tons or more should contact the USCG for information on vessel documentation.

COMMERCIAL BOAT REGISTRATION REQUIREMENTS

Any resident or non-resident owner or operator is required to obtain a non-transferable commercial boat registration for any of the following vessels:

- Any vessel operated in public waters in connection with fishing operations for profit in this state; and
- A vessel which, for profit, permits persons to sport fish.

All vessels that are performing some aspect of commercial fishing operations whether they are actually fishing or not are required to have a commercial boat registration. For example, the following vessels must be registered with the Department:

- A boat delivering traps, even if the doors are wired open and the traps are not baited
- A boat delivering a herring net to another boat fishing for herring
- A boat with a light attracting market squid for a purse seiner
- Seine skiffs
- A pickup boat
- Boats rented without an operator whether powered by an inboard or outboard motor

The commercial boat registration must be carried aboard the vessel at all times and posted in a conspicuous place (FGC §7881).

Pursuant to FGC §7881(e), any licensed guide operating under FGC §2535, is not required to obtain a commercial boat registration.

FISH AND GAME VESSEL REGISTRATION NUMBERS

When a boat is first registered with the Department, a permanent Fish and Game vessel registration number is assigned to that vessel and cannot be transferred to any other boat (FGC §7880).

Vessel owners are required to display the assigned Department vessel registration number according to the following specifications:

Metal Registration Plates

The metal registration plates previously used to display the vessel registration number are no longer being issued by the Department. However, previously issued plates may continue to be used as long as there is one plate on each side of the vessel and the plates are not damaged. Vessel owners must adhere to the vessel registration number display requirements when:

- One or both metal vessel registration plate(s) have been defaced, mutilated, lost, stolen, or destroyed; or
- The vessel has not previously been registered with the Department.

Printed Registration Number

If metal registration plates have not been issued to

the vessel, or they no longer comply with the above specifications, the vessel registration number must be displayed according to the following specifications:

- The vessel registration number, preceded by the letters "FG", must be printed in black Roman letters and Arabic numerals, block style, no less than 2 inches high, of a thickness easily readable from another vessel, and placed on a white background.

Example: FG00000

- The white background must exceed the area of the lettering by a minimum of one (1) inch in all directions, and may be painted directly on the vessel or may be on a separate plate on the outside of the hull on both sides of the vessel.
- The registration number, and the plate it is on, if any, must be permanently affixed to the vessel and maintained in such a condition as to be clearly readable.
- The number must be clearly visible and may not be placed in close proximity to, or in such a manner as to create confusion with, the CF number assigned to boats by the California Department of Motor Vehicles.

LOST, DESTROYED, OR SOLD VESSELS

FGC §7881 requires commercial fishing vessel owners to notify the Department immediately of the loss, destruction, or sale of their vessel. Proof of the loss, or destruction must be provided (i.e., police report, U.S. Coast Guard report, fire report, etc.).

COMMERCIAL PASSENGER FISHING VESSEL LICENSE REQUIREMENTS

Any boat from which persons are allowed to sport fish for a fee is required to have a commercial passenger fishing vessel license, in addition to a commercial boat registration.

Any person operating under a commercial passenger fishing vessel license:

- Is not required to obtain a guide license (FGC §2537).
- Shall obtain a local business license, PUC bond, and U.S. Coast Guard permits, and file appropriate state and federal tax reports.
- Shall not permit any person to fish from that vessel unless that person has a valid sport fishing license and any other required stamp. Violations are prosecuted as misdemeanors.
- Shall cooperate with state and Federal fishery observers at no charge to the sponsoring agency as specified (Title 14, §105.5).

No commercial fishing is permitted on any commercial passenger fishing vessel when operating as a passenger vessel, nor may any fish or amphibian taken under the authority of a sport fishing license

on such boat be sold or purchased (FGC §7121, 8385).

Logbook Requirement

Skipper's Logbook - Marine Sportfishing South California or Skipper's Logbook - Marine Sportfishing Central and North California must be completed before the end of each fishing trip.

ADDITIONAL STAMP REQUIREMENTS FOR COMMERCIAL PASSENGER FISHING VESSELS

Commercial Fishing Salmon Stamp

Commercial passenger fishing vessels taking salmon or having salmon on board in ocean waters north of Point Arguello (Santa Barbara County) are also required to have a commercial fishing salmon stamp for the operator and an additional stamp for each crewmember required on board by the U.S. Coast Guard (FGC §7925). (For further information on crewmember requirements, please contact your nearest U.S. Coast Guard office).

Exemption:

Operators and crewmembers working aboard a commercial passenger fishing vessel are not required to have a commercial fishing salmon stamp when operating as a commercial passenger fishing vessel if the vessel also has a valid commercial salmon vessel permit.

Ocean Enhancement Stamp

Commercial passenger fishing vessels operating south of Point Arguello (Santa Barbara County) are required to have an ocean enhancement stamp (FGC §6596(b)).

Commercial Aircraft Registration

Any owner or operator of an aircraft operated in airspace above public waters in connection with fishing operations for profit in this state is required to obtain a commercial aircraft registration. The registration must be carried aboard the aircraft at all times when the aircraft is used in connection with commercial fishing operations.

Issuing Offices: Los Alamitos, San Diego, and the License and Revenue Branch, Sacramento

Commercial Fishing License Required

Before a non-restrictive or limited entry commercial fishing permit can be issued, an applicant must possess a valid 2008-2009 commercial fishing license (resident or non-resident) (FGC §7857(a)).